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June 20, 2008

**To: The Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
and 777-792 MHz Bands)	
)	
Implementing a Nationwide,)	PS Docket No. 06-229
Broadband, Interoperable Public)	
Safety Network in the 700 MHz)	
Band)	

Action by the Commission, May 14, 2008, by Second Further Notice of Proposed Rulemaking (FCC 08-128). Chairman Martin, Commissioners, Copps, Adelstein, Tate, and McDowell. Separate statements issued by Chairman Martin, Commissioners Copps, Adelstein, Tate, and McDowell.

The Idaho Statewide Interoperability Executive Council submits the following comments:

In 2003 under the visionary leadership of then Governor Dirk Kempthorne, Idaho began implementation of a statewide 700MHz emergency communications system to which there have been millions of federal and local dollars invested over the past few years. Most recently, Idaho's Public Safety Interoperable Communications (PSIC) award which saw an unprecedented "match" provided by our Legislature, spoke to the importance of voice and data emergency communications for our responders. In Idaho all efforts are moving toward a statewide interoperable communications system using the spectrum set aside for this nation's first responders.

Now we lend our support to those leading the charge to insure that not one responder in service to our country's citizens loses his or her life because they cannot communicate.

The Public Safety Spectrum Trust (PSST) was named the Public Safety Broadband Licensee (PSBL) by the FCC on November 19, 2007. Importantly, the PSST was the only applicant for this position. Following membership guidelines strictly outlined by the FCC, the PSST is comprised of 15 representative organizations broadly representing public safety and state and local government. The PSST is a first of its kind organization and it has no peer. The PSST has been an effective voice for first

responders, making certain that the interests of public safety are well-known to federal decision-makers and assuring that the government is fully aware of what is needed to design a nationwide communications network for public safety use. The PSST should remain the PBSL and the FCC should refrain from changing rules concerning its governance and oversight, particularly considering there is no evidence that the PSST has been an ineffective entity.

Regardless of the outcome of the 700 MHz auction earlier this year, the promise of a public/private partnership remains the last opportunity for the FCC has to deliver to public safety a nationwide wireless broadband network. Absent the framework of a public/private partnership, public safety will remain without a next-generation broadband network specifically meeting its needs. Today, more than ever, it is time to place our nation's emergency responders first. It is time to give them the communications tools necessary to serve and protect the public. There is no greater public policy challenge facing this country. We commend the FCC for revisiting the rules surrounding the D Block while working toward a successful re-auction that includes the appropriately balanced needs of public safety with an economically viable commercial partner.

It is critical that the FCC create or allow adequate funding mechanisms for the PSST to operate and conduct activities in service to public safety users of the shared network. If neither Congress nor the FCC can provide this funding, it should not deny the PSST the ability to fund itself using methods commonly employed by other non-profit entities. The FCC should not focus on how to limit the PSST, but rather direct its focus on how to provide the PSST funding required to make this network a success for public safety users.

The FCC must ensure an appropriate balance for the Public/Private partnership to make it viable for both parties. While it is necessary to revisit the rules in order to encourage bidders to participate in the next auction, the FCC should not promulgate rules that are heavily skewed in favor of either public safety or commercial interests. Such an approach would not enable public safety to achieve the next-generation broadband network that it needs and the financing through a public/private partnership to realize this objective. The Commission will best serve public safety and commercial interests by finding the appropriate balance between their respective needs. The following requirements must remain if the shared broadband network is to become an essential tool for first responders:

- The PSST must have broad authority on crucial public safety matters such as incident management, D Block compliance, and promoting public safety usage.
- Public safety must have right of priority use and pre-emption on the network.
- The FCC should reaffirm the PSST's authority to approve federal usage of the PSBL spectrum.
- The FCC should provide discretion for PSST assignment of priority access rights to critical infrastructure industry entities.
- The FCC should maintain the balance of Public/Private partnership interests in the context of user fees and lease fees. Usage fees paid by public safety users should be substantially lower than those paid by commercial customers
- The FCC should give the PSST discretion to define what constitutes an emergency for purposes of preemptive use of the SWBN

- Network reliability and security must be greater than current commercial services

There are a number of things the FCC can do to increase the number of bidders for the D Block:

- The FCC should eliminate the reserve price for the D Block. The previous auction satisfied the statutory requirements of Congress and the public interest served by the creation of a public safety network merit this adjustment.
- Provide greater clarity regarding the relationship between the PSST and the D Block winner in advance of the auction.
- Revisit and consider reducing default penalties in the event that post-auction negotiations between the PSST and the D Block winner fail. For example, the FCC also could include a requirement that, if the D Block winner defaults, the license be granted to the next highest bidder in the auction. Such an approach balances the interests of all parties involved and encourages as many bidders as possible to participate in the auction.

There should be a single D Block license that would be the commercial partner – this could, however, be a single entity or a consortium of entities that become the D Block licensee. This would pair the D Block with the PSST's nationwide spectrum license, creating greater efficiencies and ensuring a common technology choice for the D Block, along with the guarantee that the network will be built-out nationally using a single plan.

The FCC must continue to foster rapid and efficient re-banding of the public safety narrowband systems. The \$10 million cap currently in place for narrowband reimbursements to public safety is grossly inadequate and will result in problems down the road.

Don't lose sight of the fact that responder lives are at stake with the outcome of this issue. Those lives are depending on your leadership.

Please contact the Idaho SIEC should you have any questions.

Thank you.

A handwritten signature in black ink, appearing to read "R. Mark Lockwood", with a long horizontal flourish extending to the right.

Chief R. Mark Lockwood
Chair
Idaho SIEC